

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: : ORDER
TERRORIST ATTACKS ON : 03 MDL 1570 (GBD) (SN)
SEPTEMBER 11, 2001 :
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This document relates to:

Burnett, et al. v. The Islamic Republic of Iran, et al., 15-cv-9903 (GBD) (SN)
Arias, et al. v. The Islamic Republic of Iran, 19-cv-41 (GBD) (SN)
Prior, et al. v. The Islamic Republic of Iran, 19-cv-44 (GBD) (SN)

**ORDER GRANTING IN PART PARTIAL FINAL DEFAULT JUDGMENT FOR THE
PLAINTIFFS LISTED IN EXHIBITS A AND B**

GEORGE B. DANIELS, United States District Judge:

The *Burnett* Plaintiffs listed in Exhibits A and B move for entry of partial final default judgment against Defendants the Islamic Republic of Iran, the Islamic Revolutionary Guard Corps, and the Central Bank of the Islamic Republic of Iran (collectively, “Defendants”); and the *Arias* and *Prior* Plaintiffs listed in Exhibit A move for entry of partial final default judgment against Defendant the Islamic Republic of Iran. (ECF No. 9755.¹) Upon consideration of the evidence and arguments set forth in the Declaration of John M. Eubanks, Esq. and the exhibits thereto (ECF No. 9757), and in light of the default judgments as to liability against Defendants entered on January 31, 2017 (ECF No. 3443), September 6, 2019 (ECF No. 5088), and September 9, 2019 (ECF No. 5104), together with the entire record in this case, it is hereby

¹ Unless otherwise stated, all ECF citations included herein refer to documents filed on the 9/11 multidistrict litigation docket. See *In re Terrorist Attacks on Sept. 11, 2001*, No. 03-md-1570 (GBD) (SN).

ORDERED that service of process in the above-captioned cases was properly effectuated upon Defendants in accordance with 28 U.S.C. § 1608 (*see* ECF No. 64 in No. 15-cv-9903; ECF No. 21 in No. 19-cv-41; ECF No. 18 in No. 19-cv-44;); and it is

ORDERED that partial final default judgment is entered on behalf of the *Burnett* Plaintiffs identified in Exhibits A and B against Defendants and on behalf of the *Arias* and *Prior* Plaintiffs identified in Exhibit A against Defendant the Islamic Republic of Iran²; and it is

ORDERED that Plaintiffs identified in Exhibit A are awarded solatium damages as set forth therein; and it is

ORDERED that Plaintiffs identified in Exhibit B are awarded economic damages as set forth therein³ and as supported by the expert reports and analyses tendered in conjunction with the Eubanks Declaration (*see* ECF No. 9757-5); and it is

ORDERED that Plaintiffs identified in Exhibit B are awarded compensatory damages for decedents' pain and suffering in an amount of \$2,000,000.00 per estate, as set forth therein; and it is

ORDERED that Plaintiffs receiving solatium damages identified in Exhibit A are awarded prejudgment interest of 4.96 percent per annum, compounded annually, running from September 11, 2001 until the date of judgment; and it is

² In their moving papers, Plaintiffs seek treble damages pursuant to the Anti-Terrorism Act ("ATA"), 18 U.S.C. § 2333. As ATA claims cannot be brought against sovereign defendants, *see* 18 U.S.C. § 2337(2), Plaintiffs' motion is DENIED as to their request for treble damages.

³ While Mary E. Andrews is named as a Plaintiff in her individual capacity as a sibling of 9/11 decedent Michael Rourke Andrews (*see* ECF No. 432, at 3, in No. 15-cv-9903), this Court was unable to find in the citations provided by Plaintiffs in their default judgment motion cover sheet (*see* ECF No. 9758-1) a motion to substitute naming her as the personal representative of Michael Rourke Andrew's estate or as the personal representative of Edward S. Andrew's estate, the personal representative of Michael Rourke Andrew's estate named in the *Burnett* Amended Complaint. (See ECF No. 53, ¶ 2898, in No. 15-cv-9903.) Therefore, Plaintiffs' motion is DENIED without prejudice as to Ms. Andrews's request for partial final default judgment.

ORDERED that Plaintiffs receiving pain and suffering damages identified in Exhibit B are awarded prejudgment interest of 4.96 percent per annum, compounded annually, running from September 11, 2001 until the date of judgment; and it is

ORDERED that the Plaintiffs receiving economic damages identified in Exhibit B are awarded prejudgment interest of 4.96 percent per annum, compounded annually, running from the date indicated in the "Date of Report" column therein, until the date of judgment; and it is

ORDERED that Plaintiffs identified in Exhibits A and B may submit future applications for punitive or other damages at a later date consistent with any future rulings of this Court; and it is

ORDERED that Plaintiffs not appearing in Exhibits A and B may submit in later stages applications for damages awards to the extent they have not done so already.

The Clerk of Court is directed to enter partial final default judgment for the Plaintiffs listed in Exhibits A and B. The Clerk of Court is further directed to close the motions at:

- ECF No. 9755 in 03-md-1570,
- ECF No. 712 in 15-cv-9903,
- ECF No. 167 in 19-cv-41, and
- ECF No. 151 in 19-cv-44.

Dated: June 17, 2024
New York, New York

SO ORDERED.


GEORGE B. DANIELS
United States District Judge

Exhibit A

| Plaintiff | | | | | 9/11 Decedent | | | | | | Claim Information | | | Solatium Damages | | | | |
|-------------|----------|------------|--------|---------------------|---------------|--------|----------|--------|---------------------|---------------|-------------------|-----------|--------------------------|----------------------------|--------------|---------------|-------------|------------------|
| First | Middle | Last | Suffix | Nationality on 9/11 | First | Middle | Last | Suffix | Nationality on 9/11 | Date of Death | 9/11 Site | Case | Complaint | Amendments & Substitutions | Relationship | Documentation | Prior Award | Amount |
| 1 Mark | James | Gardner | | U.S. | Harvey | Joseph | Gardner | III | U.S. | 9/11/01 | NY | 19cv44 | 1:19-cv-00044, 140, at 1 | | Sibling | | | \$ 4,250,000.00 |
| 2 Victoria | Marie | Carstensen | | U.S. | Jeffrey | | Giordano | | U.S. | 9/11/01 | NY | 19cv41 | 1:19-cv-00041, 160, at 1 | | Child | | | \$ 8,500,000.00 |
| 3 Alexandra | Camille | Giordano | | U.S. | Jeffrey | | Giordano | | U.S. | 9/11/01 | NY | 19cv41 | 1:19-cv-00041, 160, at 2 | | Child | | | \$ 8,500,000.00 |
| 4 Nicholas | Jesse | Giordano | | U.S. | Jeffrey | | Giordano | | U.S. | 9/11/01 | NY | 19cv41 | 1:19-cv-00041, 160, at 3 | | Child | | | \$ 8,500,000.00 |
| 5 Alla | | Plakht | | U.S. | Igor | | Zukelman | | U.S. | 9/11/01 | NY | 15cv09903 | 1:15-cv-09903, 53 at 728 | | Spouse | | | \$ 12,500,000.00 |
| 6 Shane | Kevin | Connors | | U.S. | Kevin | P. | Connors | | U.S. | 9/11/01 | NY | 15cv09903 | 1:15-cv-09903, 683 | | Child | | | \$ 8,500,000.00 |
| 7 Terence | Thaddeus | Connors | | U.S. | Kevin | P. | Connors | | U.S. | 9/11/01 | NY | 15cv09903 | 1:15-cv-09903, 683 | | Child | | | \$ 8,500,000.00 |

Exhibit B

| | Plaintiff (as Personal Representative of the Estate of 9/11 Decedent) | | | | 9/11 Decedent | | | | | | Claim Information | | | | Pain & Suffering Damages | | Economic Damages | | | | |
|---|---|--------|-------------|--------|---------------|--------|-------------|--------|-------------|---------------|-------------------|-----------|---|----------------------------|--------------------------|-----------------|------------------|----------------|-------------|------------------|------------------|
| | First | Middle | Last | Suffix | First | Middle | Last | Suffix | Nationality | Date of Death | 9/11 Site | Case | Complaint | Amendments & Substitutions | Prior Award | Amount | Report | Date of Report | Prior Award | Amount | |
| 1 | Una | M. | McHugh | | Dennis | P. | McHugh | | U.S. | 9/11/01 | NY | 15cv09903 | 1:15-cv-09903, 53, at 1978 | | | \$ 2,000,000.00 | | 5/2/2024 | | \$ 14,562,846.00 | |
| 2 | Amy | M. | Laszczynski | | Paul | | Laszczynski | | U.S. | 9/11/01 | NY | 15cv09903 | 1:15-cv-09903, 53, at 2076, 5511-1 at 1 | | | 6037 at 3 | \$ - | | 4/22/2024 | | \$ 6,756,301.00 |
| 3 | Alla | | Plakht | | Igor | | Zukelman | | U.S. | 9/11/01 | NY | 15cv09903 | 1:15-cv-09903, 53, at 728 | | | | \$ 2,000,000.00 | | 1/13/2020 | | \$ 10,670,694.00 |